

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:	Date filed:	
Utah Admin. Code ref. (R no.):	Time filed:	

Changed to Admin. Code Ref. (R no.):	
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1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Acupuncture Licensing Act Rules
3.	Type of notice:
	New ____; Amendment XX; Repeal ____; Repeal and Reenact ____

4.	<p>Purpose of the rule or reason for the change:</p> <p>The Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examination for applicants for licensure as an acupuncturist can be deleted with no negative impact on the profession. Also, the Division is proposing amendments to implement statute changes made during the 2006 legislative session in HB 284 with respect to the practice of acupuncture on animals.</p>
5.	<p>This change is a response to comments from the Administrative Rules Review Committee.</p> <p>Yes ____; No XX</p>
6.	<p>Summary of the rule change:</p> <p>Section 103 - Updated statute citation. Section 302a: Deleted reference to Utah Law and Rules Examination and added clarifying information that the examination required in Subsection 58-72-302(5) is the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certification examinations. Added Section 302b regarding animal acupuncture education and training requirements and updated previous Section 302b to Section 302c.</p>
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$75 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to potential licensees as an acupuncturist and licensed acupuncturists who desire to practice acupuncture on animals.</p> <p>C) Other persons:</p> <p>Proposed amendments only apply to applicants for licensure as an acupuncturists. Those applicants for licensure will see a savings of \$75.00 in that they will no longer be required to take the Utah Law and Rules Examination. The Division estimates approximately eight new acupuncturists are licensed on a yearly basis, thus resulting in an aggregate savings of \$600. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above. Also, licensed acupuncturists who are interested in pursuing animal acupuncture qualifications will have to pay costs associated with gaining the education and training required to perform such services. The Division does not have specific costs with respect to gaining the required 100 hours of education and training as it could vary greatly depending where the education and training is completed.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p>

	<p>Proposed amendments only apply to applicants for licensure as an acupuncturists. Those applicants for licensure will see a savings of \$75.00 in that they will no longer be required to take the Utah Law and Rules Examination. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above. Also, licensed acupuncturists who are interested in pursuing animal acupuncture qualifications will have to pay costs associated with gaining the education and training required to perform such services. The Division does not have specific costs with respect to gaining the required 100 hours of education and training as it could vary greatly depending where the education and training is completed.</p>																				
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>The regulated industry will experience a cost-savings as a result of the elimination of the Utah Law and Rules Examination. No fiscal impact to businesses is anticipated as to the amendments regarding the practice of acupuncture on animals, which was previously addressed by the Legislature in passing the authorizing statute. Francine A. Giani, Executive Director</p>																				
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.State code or constitution citations (required):</p> <p>Section 58-72-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)</p>																				
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>																				
12.	<p>The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i>. See Section 63-46a-5 and Rule R15-1 for more information.)</p> <table border="1"> <tr> <td colspan="2">A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</td> <td>10/02/2006</td> </tr> <tr> <td colspan="3">B) A public hearing (optional) will be held:</td> </tr> <tr> <td>on (mm/dd/yyyy):</td> <td>at (time):</td> <td>At (place):</td> </tr> <tr> <td>09/27/2006</td> <td>9:00 am</td> <td>160 East 300 South, Conference Room 402 Salt Lake City, Utah</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>			A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		10/02/2006	B) A public hearing (optional) will be held:			on (mm/dd/yyyy):	at (time):	At (place):	09/27/2006	9:00 am	160 East 300 South, Conference Room 402 Salt Lake City, Utah						
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13.	<p>This rule change may become effective on (mm/dd/yyyy):</p>		10/10/2006																		

	<p>NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.</p>		
14.	<p>Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):</p>		
	acupuncture	licensing	
15.	<p>Attach an RTF document containing the text of this rule change (filename):</p>		R156-72.pro
<p>To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i>, and delaying the first possible effective date.</p>			
<p>AGENCY AUTHORIZATION</p>			
<p>Agency head or designee, and title:</p>	J. Craig Jackson, Director	<p>Date (mm/dd/yyyy):</p>	08/07/2006

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-72. Acupuncture Licensing Act Rules.

R156-72-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 72.

R156-72-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-72-302(5), the examination requirement for licensure is a passing score as determined by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) on all examinations for certification by NCCAOM, formerly National Commission for the Certification of Acupuncturists (NCCA), in acupuncture or oriental medicine.~~[required is the Utah Law and Rules Examination for Acupuncturists with a passing score of at least 75 percent.]~~

R156-72-302b. Qualifications for Licensure - Animal Acupuncture.

In accordance with Subsections 58-28-307(12)(d) and 58-72-102(4)(a)(iii), a licensed acupuncturist practicing animal acupuncture must complete 100 hours of animal acupuncture training and education. The training and education shall include:

- (1) completing 50 hours of on the job training under the supervision of a licensed veterinarian;
- (2) completing animal anatomy training; and

(3) completing the remaining hours in animal specific continuing education.

R156-72-302[~~b~~]c. Informed Consent.

In accordance with Subsection 58-72-302(6), in order for patients to give informed consent to treatment, an acupuncturist shall have a patient chart for each patient which shall include:

- (1) a written review of symptoms; and
- (2) a statement, signed by that patient, that consent is given to provide acupuncture treatment.

KEY: acupuncture, licensing

Date of Enactment or Last Substantive Amendment: [~~July 7, 1998~~]2006

Notice of Continuation: April 8, 2002

Authorizing, and Implemented or Interpreted Law: 58-72-101; 58-1-106(1)(a); 58-1-202(1)(a)